

## Memorandum

August 27, 2007

To: Certification Applicants

From: Martha W. Spence, Associate Dean for Academic Affairs

Re: Process for Certification

Please fill in the required information on page 1. Have your supervising attorney read the attached regulations, fill out and sign the form on page 2.

**Return pages 1 and 2 to the Registrar's Office. The forms you submit need to have original signatures (faxed signatures will not be accepted).** We will process the application and you will be notified by the State Court Administrator in about a week as to the status of your certification.

**Important: You will receive a letter from the State Court Administrator in Salem confirming approval of your Law Student Appearance application. Until you receive that notification you are not considered certified. You should provide a copy of your confirmation letter to your supervising attorney. If you do not receive confirmation within 10 days, please contact my office.**

*If you change supervising attorneys, you must have the new supervising attorney complete the "attorney's certification request" portion of the certification papers. You do not need to complete the student portion of the form a second time. Please turn in the new supervising attorney form to the Associate Dean so we may keep it on file. As soon as we have the form you will be eligible to do appearances with the new supervisor.*

**LAW STUDENT'S CERTIFICATION**

Pursuant to paragraph 13.20 of the Law Student Appearance rule, I hereby certify that I have read and am familiar with the Model Rules of Professional Conduct of the American Bar Association, the Rules of Professional Conduct of the Oregon State Bar, and the rules of the court or courts in which I anticipate appearing.

I agree that I will comply with all requirements and limitations of the Oregon Law Student Appearance rule (Supreme Court of the State of Oregon) and that I will neither ask for nor receive compensation or remuneration of any kind for my services directly from the clients on whose behalf I render services.

I further agree that I will notify the law school certification administrator upon termination of the relationship with my supervising attorney. I understand that my certification to practice pursuant to paragraph 13.25 shall remain in effect for no longer than eighteen months after it is filed, or until the announcement of the results of the first bar examination following my graduation, whichever is earlier.

Date: \_\_\_\_\_ Student: \_\_\_\_\_

Do you anticipate appearing in the U.S. District Court? Address: \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_ \_\_\_\_\_ Zip \_\_\_\_\_

Student is already certified, requesting to change attorney supervisor. Phone (H): \_\_\_\_\_ (Wk) \_\_\_\_\_  
Email: \_\_\_\_\_

Student is applying for certification. \_\_\_\_\_

Signature

**DEAN'S CERTIFICATION OF ELIGIBILITY TO PARTICIPATE IN LAW STUDENT APPEARANCE PROGRAM**

I certify that \_\_\_\_\_:

1. Is duly enrolled in or has graduated from Lewis & Clark Law School, a law school approved by the American Bar Association
2. Has completed legal studies amounting to at least four semesters of full-time law study or the equivalent;
3. Appears from all the information available to this law school to be of good character and is adequately trained to perform competently as a legal intern; and

has certified to me that he or she has read and is familiar with the Model Rules of Professional Conduct of the American Bar Association and the Rules of Professional Conduct of the Oregon State Bar.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Associate Dean for Academic Affairs  
Title

**ATTORNEY'S CERTIFICATION REQUEST**

To: Associate Dean Martha Spence  
Lewis & Clark Law School  
10015 SW Terwilliger Blvd  
Portland, OR 97219

RE: Certified Practice by \_\_\_\_\_  
student name

In accordance with the rules governing the Oregon Supreme Court Law Student Appearance Rule and the Lewis & Clark Law School's rules governing certification of law students, I request that the above-named student be certified and permitted to participate in legal work under my supervision.

I am a member of the Oregon State Bar, presently in good standing.

By this request, I assure you that I will:

1. Comply with all conditions of the Law Student Appearance Rule (Supreme Court of the State of Oregon), Rules for Admission of Attorneys, Rule 13.05 et seq.;
2. Confirm that the student has been certified to appear by the State Court Administrator.
3. Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work;
4. Discuss each type of court appearance with the student prior to the student's appearance to ensure proper preparation; require the student to observe at least one similar proceeding or equivalent preparation prior to the student's appearance; ensure that the proper written consents are filed with the appropriate courts or tribunals; introduce the student to the court or tribunal in which the student appears; and observe the student's first court appearance;
5. Discuss and evaluate the student's work to maximize the student's educational benefit;
6. Notify the law school (Associate Dean's office) when I will no longer be responsible for the student's supervision.

ATTORNEY: \_\_\_\_\_ DATE: \_\_\_\_\_

\_\_\_\_\_  
Name OSB Number Telephone Number

\_\_\_\_\_  
Street Address Firm or Agency Name

\_\_\_\_\_  
City State Zip Code

## **Oregon Student Appearance Rule**

Law students who meet the basic requirements defined by the Oregon Supreme Court and Northwestern School of Law may be certified by the State Court Administrator to make limited appearances in Oregon courts. Students may also be certified to appear in the federal courts on a limited basis. Any student wishing to be certified must meet the requirements laid out in the Oregon Supreme Court rules (see below) and the Law School's requirements (see below). A full packet of application forms are available at the Registrar's office. Once the forms are completed, the certification process takes about a week to complete.

Students may be provisionally certified once the required number of hours or semesters are completed, even though grades have not been turned in for the course work. If upon receipt of grades a student is not in good standing or has failed evidence, the certification may be revoked by the Law School. The Law School may also revoke the certification as noted below.

### **Supreme Court of the State of Oregon Rules**

#### RULE 13.05 PURPOSE OF LAW STUDENT APPEARANCE PROGRAM

The bench and the bar are primarily responsible for providing competent legal services for all persons, including those unable to pay reasonable fees for these services. As one means to develop trial and appellate advocacy skills and to encourage law schools to provide clinical instruction in trial and appellate work, Rules 13.05 to 13.30 are adopted. Nothing contained in these rules shall affect the right of any person who is not admitted to the practice of law to do anything that the person might lawfully have done prior to the adoption of these rules. [Effective April 6, 1993.]

#### RULE 13.10 APPEARANCES AND ACTIVITIES OF ELIGIBLE LAW STUDENT

- (1) An eligible law student may appear before any court or before any administrative tribunal in this state in accordance with this rule. As used herein, "appear" or "appearance" means personal appearance before a court or an administrative tribunal.
- (2) The law student shall at all times be subject to the supervision of a member of the Oregon State Bar, except as provided for in subparagraph (3) of this rule.
- (3) Subject to the clients approval as hereinafter provided, an eligible law student may appear for a client, with or without the supervising attorney being present, except as hereinafter provided. The extent of the law student's participation shall be determined by the supervising attorney, giving due consideration to the nature of the case, the ability and experience of the student and the complexity of the factual and legal issues involved.
- (4) Except as provided for in subparagraph (5) of this rule, no law student shall appear without the supervising attorney in (a) any criminal case in which the defendant may be subject to a felony conviction, (b) any juvenile case where the act committed by the juvenile if committed by an adult would have been considered a felony or (c) in any commitment proceedings.
- (5) An eligible law student may appear in any civil or criminal matter, on behalf of the state or any other governmental body, with the written consent of the supervising attorney of the state agency or governmental body.
- (6) No law student shall appear until the client, the supervising attorney and the judge of the court or the presiding officer of the tribunal have consented to such appearance. The supervising attorney shall be responsible for explaining to the client the nature and extent of the law students participation and for obtaining the client's consent to such participation. The client's consent shall be in writing and filed with the court or tribunal and become part of the record of the case.

RULE 13.15 OTHER ACTIVITIES OF  
ELIGIBLE LAW STUDENT

- (1) An eligible law student may engage in other activities, under the general supervision of a member of the bar of the Supreme Court, but outside the personal presence of that lawyer, including:
  - (a) preparation of pleadings and other documents to be filed in any matter in which the student is eligible to appear; but such pleadings or documents must be signed by the supervising lawyer;
  - (b) preparation of briefs, abstracts and other documents to be filed in appellate courts of this state; but such documents must be signed by the supervising lawyer;
  - (c) assistance to indigent inmates of correctional institutions or other persons convicted of crimes who request such assistance in preparing habeas corpus applications and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute or rule of the Supreme Court; provided that if there is an attorney of record in the matter, all such assistance must be supervised both by the supervising attorney and the attorney of record, and all documents submitted to the court on behalf of such client must be signed by the attorney of record.
- (2) Each document or pleading prepared under subparagraph (1) of this rule must contain the name of the eligible law student who has participated in drafting it. If the student participated in drafting only a portion of it that fact may be mentioned.
- (3) An eligible law student may participate in oral argument in appellate courts, but only in the presence of the supervising lawyer.

RULE 13.20 REQUIREMENTS AND LIMITATIONS

- (1) To be eligible for certification pursuant to these rules, a law student must:
  - (a) Be duly enrolled in or have graduated from a law school approved by the American Bar Association;
  - (b) Have completed legal studies amounting to at least four semesters of full-time law study or the equivalent;
  - (c) Be of good character and be adequately trained to perform competently as a legal intern; and
  - (d) Certify in writing to the Dean of the law school that the student has read and is familiar with the Model Rules of Professional Conduct of the American Bar Association and the Code of Professional Responsibility of the Oregon State Bar.
  - (e) Cause the Dean of the student's law school to certify that the student is eligible under subsections (a), (b), (c) and (d) substantially in the form set forth in Appendix A.
- (2) A certified law student shall neither ask for nor receive any compensation or remuneration of any kind for the student's services directly from the client on whose behalf service is rendered; but a lawyer, legal aid organization, law school, public defender or any governmental body may pay compensation to the eligible law student as an employee, and the employer may charge for the student's services.
- (3) The certified law student's supervising attorney shall introduce the law student to the court or tribunal in which the student is to appear.

## RULE 13.25 CERTIFICATION PROCEDURE

The certification of a student by the law school dean:

- (1) Shall be filed with the State Court Administrator and, unless it is sooner withdrawn, shall remain in effect until the expiration of the earlier of (a) eighteen months after it is filed or (b) the announcement of the results of the first bar examination, following the student's graduation, provided, for any student who passes that examination  
the certification shall continue in effect through the date of the first swearing-in ceremony following the examination.
- (2) May be withdrawn by the dean at any time by mailing a notice to that effect to the State Court Administrator. It is not necessary that the notice state the cause for withdrawal.
- (3) May be terminated by the Supreme Court at any time without notice or hearing and without any showing of cause. Notice of the termination may be filed with the State Court Administrator. [Effective April 16, 1993.]

## RULE 13.30 SUPERVISION

The member of the bar of the Supreme Court under whose supervision an eligible law student does any of the things permitted by these rules shall assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work. The supervising attorney shall assist the student's analysis, preparation and performance to the extent the supervising attorney considers appropriate, giving at all times consideration to the interests of the client. [Effective April 16, 1993.]

### **Lewis & Clark Law School Student Certification Rules**

- A. A student must meet the following requirements:
  1. The student must be enrolled at the law school and be in good academic standing (not on probation);
  2. The student must have completed either four (4) full-time day semesters or 52 credit hours of legal studies;
  3. The student must have passed Evidence. It is recommended, though not required, that the student complete or be currently enrolled in one or more of the following:
    - Clinic*
    - Trial Procedure*
    - Regulation of Lawyers and Ethics*
  4. The student must sign a certificate that he/she read and is familiar with the Model Rules of Professional Conduct of the American Bar Association, the Rules of Professional Conduct of the Oregon State Bar, the Oregon Supreme Court rules governing law student appearances, and the rules of the court or courts in which the student anticipates appearing;
  5. The student must agree to comply with all the conditions and limitations imposed by the Oregon Law Student Appearance Program.
- B. To be approved as a supervising attorney under the Law Student Appearance Rule, an attorney must:
  1. Be a member in good standing of the Oregon State Bar;
  2. Sign a statement submitted to the Dean of the law school or to the Dean's designate administering the program affirming that the attorney will:
    - a. Comply with all conditions of the rules governing law student appearances;

- b. Discuss and evaluate the student's work in a manner that will maximize the educational benefit to the student;
  - c. For student appearances in court:
    - (i) Discuss the appearance in full beforehand with the student to assure adequate preparation;
    - (ii) Require that the student observe an attorney making at least one similar type of appearance in court or equivalent preparation prior to the student's appearance;
    - (iii) See that both the written consent of the client and attorney's approval required by Rule 13.10(6) of the Oregon Supreme Court rules governing law student appearances are filed in the record of the case;
    - (iv) Introduce the student to the court or tribunal in which he or she is to appear and observe the student's first court appearance;
  - d. Notify the dean or designate administering the certification program when the attorney will no longer be responsible for the student's supervision; attorneys who are supervising students enrolled in a law school course are excepted from this notification requirement.
- C. Upon the termination of the relationship for which the certification is granted, or at any other time the Dean of the law school shall deem necessary, the Dean or his/her agent may withdraw certification of the student.

01-10-06 mws